

5/28/74

To: Permits Branch

From: David S. Mowday, Attorney

Subject: State of Hawaii Request for Permit Program Approval

Listed below are my comments on Hawaii's initial request for program approval. My conclusion is that the program description is incomplete at this time & the application must be revised before it can be accepted.

1. I find no procedures, including citations to statutes or regulations, regarding disposal of pollutants into wells, as required by 40 CFR 124.80.
2. The state should submit their 303(e)-continuing planning process for approval as part of the application, or, if approved, proof of such approval, as required by 40 CFR 124.93
3. The description of agency organization is incomplete. It does not show how the Dept. relates to the Governor or to other agencies having water pollution or water quality functions.
4. Though we have received Hawaii's statute (with amendments), new regulations, & A-G's statement pieced over the past year, new copies should be submitted with the application (Our guidelines for submittal require 3 copies of all statutes & regulations). ~~the same~~
5. There is no description of procedures for investigations & enforcement & I feel the mere citation of statutory provisions is inadequate. At the very least the description should

comply with 40 CFR 124.71. California very helpfully, & simply for them, included the Chapter from their SWRCB administrative procedures manual on enforcement. This suffices beautifully.

6. Our guidelines on applications require "detailed descriptions" of the following procedures:

- a) application & filing requirements
- b) public notice & participation procedures
- c) monitoring, reporting, & recordkeeping requirements meeting 40 CFR 124.61-63

Hawaii's regulations will suffice to meet these requirements, in part. However, it would be very helpful, in fact, probably necessary, for them to submit the following example forms as Calif. did:

- a) Example permit form
- b) Example form for fact sheet
- c) " " " notice of application, notice of public hearing, etc.

Paul J. Marfan